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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,627	02/05/2004	Robert G. DeMoor	TI-35545	5646

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EXAMINER

QUIETT, CARRAMAH J

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/772,627	Applicant(s) DEMOOR, ROBERT G.	
	Examiner Carramah J. Quiett	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- a. Fig. 1, ref. 10 – please read page 2, line 2 of the specification, and
- b. Fig. 2, ref. 12 – please read page 6, line 2 of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- a. Fig. 1, ref. 17; Fig. 2,
- b. Fig. 2, refs. 13, 14, 17 and 18.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

While the applicant provided a detailed explanation of the related art, the applicant did not provide a *detailed* description of the invention. The applicant provided an explanation of the auto-exposure mode operation, but did not describe the other mode of operation as well as the other features illustrated in figure 2. Also, in figure 2, the applicant did not provide reference numbers for the features, which were not discussed in the detailed description. Respectfully, the MPEP states that, "While the prior art setting may be mentioned in general terms, the essential novelty, the essence of the invention, must be described in such details, including proportions and techniques, where necessary, as to enable those persons skilled in the art to make and utilize the invention" [MPEP 608.01(p)]. Also, please review MPEP 608.01(g), which explains what is expected in the detailed description. The 35 USC 112, first paragraph rejection in the following section will provide more explanation as to which claims are not described in the detailed description.

Claim Objections

4. **Claims 1 and 9** are objected to because of the following informalities:

Claim 1 recites the following limitation, "...a photosensitive region for receiving an image when the shutter is activated, *the image on the shutter* being stored in the memory unit..."

Respectfully, is the image on the shutter or the photosensitive region? *Appropriate correction is required.*

Claim 9 recites the inter alia, "...images acquired by activation of *the shutter*..." The element "shutter" was not mention prior to this particular limitation. *Appropriate correction is required.*

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 4 and 8-14** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4 recites the inter alia, "...wherein the digital camera has a second mode of operation, the shutter being activated immediately in response to the second user input."

Applicant's disclosure does not describe a second mode of operation as recited in claim 4.

Claim 8 recites the inter alia, "...wherein the digital camera includes a second mode of operation, the shutter being activated without delay by a user input in the second mode of

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operation.” Applicant’s disclosure does not describe a second mode of operation as recited in claim 8.

Claim 9 recites the inter alia, “A digital camera having an auto-exposure mode and a normal mode of operation...” Applicant’s disclosure does not describe a normal mode of operation as recited in claim 9.

Claim 10 recites the inter alia, “...wherein the shutter is activated without delay in response to a third user input.” Applicant’s disclosure does not describe shutter being activated without delay in response to a third user input as recited in claim 10.

Claim 14 recites the inter alia, The digital camera as recited in claim 10 further comprising a flash assembly wherein activation of them flash assembly is coordinated with activation of the shutter. Applicant’s disclosure does not describe what is recited in claim 10.

The limitations as discussed for claims 4, 8, 9, 10, and 14 above are all considered new matter. For the purpose of a prior art rejection, the examiner will not consider the limitations, which are considered new matter. Therefore, the examiner will not provide a prior art rejection for claims 4, 8, 9, 10, and 14.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "a display unit for displaying images stored in the memory unit" in line 11, page 8 of the claims. In claim 1, recites limitations for “a sequence of images”

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(see lines 8-10, page 8 of the claims) and an image received by the photosensitive region (see lines 8-10, page 8 of the claims). When the images are displayed on the display unit, is the “sequence of images” being displayed or are the “received images” being displayed? There is insufficient antecedent basis for this limitation in the claim. For the purpose of a prior art rejection, the examiner considers the “displaying images stored in the memory unit” as being “displaying the sequence of images stored in the memory unit”.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-3, 5-7, 9, and 11-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Usuha (JP 07-333710 A; an English translation has been provided with the present Office Action).

For **claim 1**, Usuha discloses a digital camera (in drawing 1 and in the Example) comprising:

a processing unit (refs. 10-14), the processing unit including a memory unit (refs. 11-12), the memory unit storing a sequence of images (image data – page 2, [0015]-[0016]);

a shutter (not shown in drawings), the shutter being activated in response to signals from the processing unit (page 3, [0025])

a photosensitive region (ref. 1) for receiving an image when the shutter is activated, the image on the shutter being stored in the memory unit (page 3, [0025]); and

a display unit (ref. 19) for displaying images stored in the memory unit (page 2, [0015]-[0016]);

wherein the digital camera has a first mode of operation in which the shutter is activated a preselected period of time in response to a first user input, the sequence of images being displayed on the display during the preselected period of time, the display being visible to image subjects. Please read pages 1-2, [0014]-[0016] and see drawings 1-6.

For **claim 2**, Usuha discloses the digital camera wherein the sequence of images provides a visual count-down for the activation of the shutter. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 3**, Usuha discloses the digital camera wherein the sequence of images is applied periodically to the display. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 5**, Usuha discloses the digital camera wherein the display is rotatable, the display being rotated to face the image subjects in the first mode of operation. Please read page 1-2, [0014] and see drawings 2.

For **claim 6**, Usuha teaches a method of acquiring an image with a digital camera (in the Example), the method comprising:

after a first user input signal, delaying activation of the shutter for a predetermined period of time (page 2, [0015]-[0016]); and

during the predetermined period of time, displaying a sequence of images to the subject images on the camera display (page 2, [0015]-[0016]). Also see drawing 3.

For **claim 7**, Usuha teaches the method wherein the sequence of signals provides a count-down for the activation of the digital camera shutter. Please read pages 2, [0018] and see drawings 4(a)/(b).

For **claim 9**, Usuha discloses a digital camera having an auto-exposure mode and a normal mode of operation (*not considered* as previously stated), the digital camera (in drawing 1 and in the Example) comprising:

a processing unit(refs. 10-14), the processing unit including a memory unit (refs. 11-12), the memory unit storing a sequence of images (image data – page 2, [0015]-[0016]) and images acquired by activation of the shutter (page 3, [0025]);

a shutter unit (not shown in drawings)responsive to signals from the processing unit for activation (page 3, [0025]);

a photo-sensitive region (ref. 1) for acquiring an image when the shutter is activated, an acquired image being stored in the memory unit (page 3, [0025]); and

a positionable display, the display displaying an acquired image in response to a first user input, the display displaying the sequence of images to image subjects prior to activation of the shutter after a preselected period of time in response to a second user input. Please read pages 1-2, [0014]-[0016] and see drawings 1-6.

For **claim 11**, Usuha discloses the digital camera wherein the sequence of images is displayed periodically. Please read page 2, [0018] and see drawings 4(a)/(b).

For **claim 12**, Usuha discloses the digital camera wherein the sequence of images permits the image subjects to anticipate the activation of the delayed shutter. Please read pages 1-2, [0014]-[0016] and see drawings 1-6.

For **claim 13**, Ushua discloses the digital camera wherein the sequence of images is a series of numbers. Please read page 2, [0018] and see drawings 4(a)/(b).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aoike (U.S. Pat. #7,123,284)	A cellular phone set that permits a person to be photographed to recognize the photographing timing easily.
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CJQ
March 28, 2007



NGOC YEN VU
SUPERVISORY PATENT EXAMINER